

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI

UNITED STATES DISTRICT COURT

for the

Southern District of Mississippi

United States of America

v.

Lon Edward Preston, Jr.

Defendant(s)

Case No.

1:20mj 542-RHW

ARTHUR JOHNSTON, CLERK

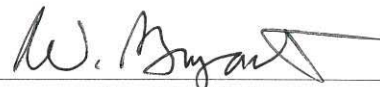
CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 19, 2020 in the county of Harrison in the
Southern District of MS, Southern Division, the defendant(s) violated:*Code Section**Offense Description*18 U.S.C. § 922g(4)
18 U.S.C. § 2261AAdjudicated as a Mental Defective in Possession of a Firearm
Stalking

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.*Complainant's signature*

David W. Bryant, TFO, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date:

5/13/2020*Judge's signature*

City and state:

Gulfport, Mississippi

Robert H. Walker, U.S. Magistrate Judge

Printed name and title

Affidavit for Criminal Complaint

I, David W. Bryant, being duly sworn and deposed, state the following:

I am an Investigator employed by the Harrison County Sheriff's Office Narcotics Division, assigned as a Task Force Officer to the Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives in the Gulfport, Mississippi Field Office. I have been a Deputy Sheriff with the Harrison County Sheriff's Office, Gulfport, Mississippi, since 2011. During my career I have investigated violations of federal and state laws to include firearms and illegal substances. Based upon personal knowledge and information I have received from other law enforcement investigators, I am aware of the following facts.

1. I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with other law enforcement agents and sources and upon my examination of various reports, evidence and other records. Because this affidavit is being submitted for the limited purpose of establishing probable cause to support issuing a criminal complaint, it does not include all the facts that have been learned during the course of this investigation. Based on information I received from law enforcement sources including the D'Iberville Police Department, I am aware of the following facts:

2. Based upon records received via federal subpoena, Lon PRESTON Jr. was previously adjudicated or committed mentally defective through the Harrison County Chancery Court of Mississippi on January 17, 2018.

3. On March 19, 2020, the D'Iberville Police Department was contacted by Source 1 in reference to threatening and harassing text messages sent by Lon Edward PRESTON Jr. to Source 1. Source 1 had previously reported numerous threatening calls and messages from PRESTON the previous month, but did not file charges at that time. Source 1 stated PRESTON threatened to come by Source 1's residence and implied the police were going to be forced to

“kill me on that goddamn front lawn”. Source 1 stated video surveillance of Source 1’s residence shows PRESTON riding in front of Source 1’s residence on a motorcycle. The D’Iberville Police Department observed PRESTON traveling in the area of Source 1’s residence and made contact with PRESTON in the parking lot of Sportsman’s Food Store, located at 14310 Highway 15, D’Iberville, MS 39540, located in the Southern District of Mississippi. PRESTON was asked if he had any weapons on his person, and PRESTON stated he had multiple firearms on his person. PRESTON was placed under arrest for a state charge of Cyberstalking.

4. PRESTON was detained and the following items were recovered from his person:
 - Firearm (Type: Pistol, Manufacturer: Glock Inc., Model: 20, Caliber: 10mm, Serial Number: FNY479 (found in a holster with a chambered round))
 - 02, Glock 20 magazines (One in a holster and one inside the Glock)
 - 19, 10mm rounds of ammunition (recovered from the Glock 20 magazines and the Glock 20)
 - Firearm (Type: Pistol, Manufacturer: Israel Military Industries (IMI), Model: Desert Eagle, Caliber: 9mm, Serial Number: 32317626 (found with a loaded magazine and chambered round))
 - 02, Desert Eagle magazines (one in a holster and one inside the Desert Eagle)
 - 19, 9mm rounds of ammunition (recovered from the Desert Eagle magazines and the Desert Eagle)
 - Firearm (Type: Revolver, Manufacturer: North American Arms, Model: NAA-22M, Caliber: .22, Serial Number: E217754 (found loaded))
 - 05, .22 caliber rounds of ammunition (recovered from the revolver)
 - 01, Apple iPhone inside a blue case

5. ATF Special Agent Shane Lynes conducted an Interstate Nexus examination regarding the above recovered firearms. The investigation revealed the firearms were not manufactured in the state of Mississippi and therefore, moved in or affected interstate commerce.

6. The amended Gun Control Act of 1968 (GCA), defines “firearm” to include- “...any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive... [and] ...the frame or receiver of any such weapon...” (See 18 U.S.C. 921(a)(3)).

7. Pursuant to Title 18 U.S.C. 922(g)(4)- It is unlawful for any person who has been adjudicated as a mental defective or has been committed to any mental institution to possess a firearm and or ammunition that has been shipped or transported in interstate commerce.

Based on the foregoing information, I submit this information supports probable cause to believe Lon PRESTON Jr. violated Title 18, United States Code, Section 922(g)(4), in that on or about the 19th day of March, 2020, in the Southern District of Mississippi, the defendant, Lon PRESTON Jr. being a person who has been committed to a mental institution, knowingly possessed a firearm, which had been shipped and transported in interstate commerce and violated 18 U.S.C. 2261A(2), in that on or about the 19th day of March, 2020, in Harrison County, in the Southern District of Mississippi, the defendant, Lon Edward PRESTON Jr., with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, used the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that placed that person in reasonable fear of

death of or serious bodily injury to that person, an immediate family member, or a spouse or intimate partner, or that person's animal.



David W. Bryant
Task Force Officer, US Department of Justice
Alcohol, Tobacco, Firearms & Explosives

Sworn and subscribed by me this 13th day of May, 2020.



ROBERT H. WALKER
United States Magistrate Judge